

UNITED STATES DISTRICT COURT

for the

Southern District of New York

ALDO VERA, JR., et al.

Plaintiff

v.

THE BANK OF NEW YORK MELLON, et al.

Defendant, Third-party plaintiff

v.

SBH TABAC EURL, et al.

Third-party defendant

Civil Action No. 12 Civ. 1596 (AKH)

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)* [See Rider A]

A lawsuit has been filed against defendant Bank of New York Mellon, who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff [SEE RIDER B].

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

LEVI LUBARSKY & FEIGENBAUM LLP, Attn: Steven B. Feigenbaum, Esq., 1185 Avenue of the Americas, 17th Floor, New York, NY 10036, United States of America, Tel. No. 1-212-308-6100.

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

[SEE RIDER C]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may – but are not required to – respond to it.

Date: 4/18/2014

CLERK OF COURT

/S/ Courtney DeCasseres

Signature of Clerk or Deputy Clerk



Civil Action No. 12 Civ. 1596 (AKH)

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

RIDER A

LIST OF THIRD-PARTY RESPONDENTS AND ADDRESSES

SBH Tabac EURL (a/k/a La Casa del Habano)
Lotissement 22 la Villa Creole
Lieu-dit Saint Jean
97133 St. Barthelemy

Corporacion Habanos S.A.
Attn: Luis Sánchez-Harguindey Pardo De Vera
3ra No. 2006 e/ 20 y 22
Miramar, Playa, 11300 La Habana, Cuba

The Windward Islands Bank Ltd.
Attn: Jan J. Beaujon, Managing Director
Clem Labega Square
Phillipsburg, St. Maarten

Fennina Jamel
c/o SBH Tabac EURL/La Casa del Habano
Lotissement 22 la Villa Creole
Lieu-dit Saint Jean
97133 St. Barthelemy

Cubana de Aviacion S.A.
Attn: Arturo Bada Álvarez, CEO
Calle 23 No. 64, La Rampa, Vedado
Ciudad de La Habana, 10400 Cuba

BBVA Bancomer, S.A.
Attn: Ignacio Deschamps, CEO
Centro Bancomer
Av. Universidad 1200, Colonia Xoco
Ciudad de México, DF 03339 Mexico

National Bank of Canada
Attn: Louis Vachon, CEO
National Bank Tower
600 De La Gauchetiere Street West, 4th Floor
Montreal, Quebec H3B 4L2 Canada

Cubanacan Negocios Mexico S.A. de C.V.

Tlaxcala 177
Hipódromo, Cuauhtémoc
06100 Ciudad de México, DF, Mexico

ING Bank N.V. (Curacao)

Attn: Chief Legal Officer
Kaya WFG Mensing 14 (Zeelandia Office Park)
Willemstad, Curacao

ING Bank N.V.

Attn: Chief Legal Officer
Amsterdamse Poort
Bijlmerplein 888
1102 MG Amsterdam, The Netherlands

Casa Financiera Fintur S.A.

Attn: Humberto Pérez González, President
Calle 5ta. No. 4605 entre 46A y 60
Miramar, Playa, Habana 11300, Cuba

Niref B.V.

Attn: H. Huigen
Boezembocht 23
NL 3034 KA, Rotterdam, Netherlands

VTB Bank (a/k/a Bank for Foreign Trade of the Russian Federation)

Attn: Andrey Kostin, President
43 Ul. Vorontsovskaya
Moscow 109044, Russia

JSC Zarubezhtsvetmet

12 Sredni Ovchinnikovskiy Per.
Moscow 115184, Russia

Incombank

4 Slavyanskaya Sq, Bld.1
103074 Moscow, Russia

LIST OF COUNTERCLAIM RESPONDENTS

Aldo Vera, Jr., as Personal Representative of the Estate of Aldo Vera, Sr.

c/o Anderson Kill & Olick, P.C.
Jeffrey Glen
1251 Avenue of the Americas
New York, NY 10020

c/o Kohn Swift & Graf, P.C.
Robert A. Swift
One South Broad Street, Suite 2100
Philadelphia, PA 19107

Jeanette Fuller Hausler and **William Fuller**, as court-appointed co-representatives of the Estate of Robert Otis Fuller, deceased, on behalf of all beneficiaries of the Estate and the Estate of Robert Otis Fuller

c/o Greenberg Traurig, LLP
James W. Perkins
200 Park Avenue
New York, NY 10166

c/o Colson Hicks Eidson
Roberto Martinez
Ronald W. Kleinman
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134

Alfredo Villoldo, individually, and **Gustavo E. Villoldo**, individually and as Administrator, Executor, and Personal Representative of the Estate of Gustavo Villoldo Argilagos

c/o Frankfurt Kurnit Klein & Selz, P.C.
Edward H. Rosenthal
Beth I. Goldman
488 Madison Avenue, 10th Floor
New York, NY 10022

c/o Hall, Lamb and Hall, P.A.
Andrew C. Hall
Brandon R. Lewitt
Grand Bay Plaza, Penthouse One
2665 South Bayshore Drive
Miami, FL 33133

RIDER B

INFORMATION REGARDING THIS PROCEEDING

The defendant (also referred to as “respondent”) who, as third-party petitioner, has named you as a third-party respondent in the attached third-party petition is The Bank of New York Mellon (“BNY Mellon”).

The plaintiffs (also referred to as “petitioners”) who commenced this lawsuit are Aldo Vera, Jr. and others (“the Petitioners”), all of whom have a judgment against the Republic of Cuba (“Cuba”), and certain of whom also have a judgment against Fidel Castro Ruz, Raul Castro Ruz, the Cuban Ministry of the Interior, and the Army of the Republic of Cuba. Their lawsuit, commenced by filing with the Court a document entitled “Amended Omnibus Petition for Turnover” (which the printed portion of the third-party summons refers to as a “complaint”), asks the Court to enter an order directing BNY Mellon and other bank respondents to turn over to the Petitioners certain funds that the respondents are holding in blocked accounts. The funds in those accounts were derived from wire transfers that were blocked under sanctions imposed by the United States government against Cuba.

Despite what the printed portion of the third-party summons says, BNY Mellon is not making a claim against you for the payment of money. BNY Mellon has named you as a third-party respondent in this lawsuit only to give you the opportunity (i) to make a claim to some or all of the funds being held in any given blocked account, if you have a basis for such a claim, or (ii) to oppose the turnover of such funds to the Petitioners or any other party, if you have a sufficient interest in the funds to permit you to oppose any such turnover. The relief that BNY Mellon is seeking in this lawsuit, described more fully in the attached third-party petition, consists mainly of a discharge releasing it from any present or future liability as to the blocked accounts at issue.

Although the printed portion of the third-party summons correctly states that you are not required to respond to the Petitioners’ complaint, you are required to respond to BNY Mellon’s third-party petition if you want to assert a claim to any one or more of the blocked accounts at issue. You will otherwise waive your right to object to the turnover of the blocked funds to the Petitioners (or anyone else) or to argue that you yourself are entitled to such funds.

If you are a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state, then under Section 1608(d) of the Foreign Sovereign Immunity Act of 1976, 28 U.S.C. § 1608(d) (the “FSIA”), you have 60 days from the time the third-party petition was served on you under Section 1608 of the FSIA to file your answer to the third-party petition. That 60-day period applies even though a shorter period may be referred to in the printed portion of the third-party summons. If you are an individual or a private, non-governmental entity, you have 21 days from the day after you receive this third-party summons, as stated on the printed portion of the summons.

RIDER C

LIST OF PETITIONERS' ATTORNEYS AND ADDRESSES

Kohn Swift & Graf, P.C.

Robert A. Swift
One South Broad Street, Suite 2100
Philadelphia, PA 19107

*Attorneys for Aldo Vera, Jr.,
as Personal Representative of the Estate of Aldo Vera, Sr.*

Anderson Kill & Olick, P.C.

Jeffrey Glen
1251 Avenue of the Americas
New York, NY 10020

*Attorneys for Aldo Vera, Jr.,
as Personal Representative of the Estate of Aldo Vera, Sr.*

Greenberg Traurig, LLP

James W. Perkins
200 Park Avenue
New York, NY 10166

*Attorneys for Jeanette Fuller Hausler and William Fuller,
as court-appointed co-representatives of the Estate of Robert Otis Fuller,
deceased, on behalf of all beneficiaries of the Estate and
the Estate of Robert Otis Fuller*

Colson Hicks Eidson

Roberto Martinez
Ronald W. Kleinman
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134

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as court-appointed co-representatives of the Estate of Robert Otis Fuller,
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488 Madison Avenue, 10th Floor
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individually and as Administrator, Executor, and Personal Representative
of the Estate of Gustavo Villoldo Argilagos*

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